

- for benefits paid prior to the issuance of a decision, if the employer fails to appear at the hearing or fails to submit a timely and adequate written response to the request for claim information.

Overpayments

Provides that overpayments made as a result of fraud, willful misrepresentation, or willful nondisclosure may be recovered through an offset against the individual's State or Federal tax refund.

Provides that for determinations made on or after October 1, 2013, the penalty for overpayments made as a result of a false statement or failure to disclose a fact in order to obtain or increase benefits shall be 50 percent of the overpayment for the first offense and 100 percent for any subsequent offense (previously a benefit forfeit of 1-39 weeks). The penalty shall be in addition to the liability to repay the overpayment and shall not be confined to a single benefit year.

HAWAII HB 927 ENACTED and EFFECTIVE April 18, 2013
(Act No. 25)

Financing

Provides that the moneys in the employment and training fund may be used for funding:

- business-specific training programs to create a more diversified job base and to carry out the purposes of the new industry training program with emphasis on serving small businesses by serving the training needs for industries included in the State's economic development strategy as recommended by the department of business, economic development, and tourism and training needs identified by the county workforce investment boards, employer organizations, industry or trade associations, labor organizations and similar organizations; and
- industry or employer-specific training programs where there are critical skill shortages in high growth occupational or industry areas with emphasis on serving small businesses by serving the training needs for industries included in the State's economic development strategy as recommended by the department of business, economic development, and tourism and training needs identified by the county workforce investment boards, employer organizations, industry or trade associations, labor organizations and similar organizations.

HAWAII HB 928 ENACTED and EFFECTIVE June 14, 2013
(Act No. 100)

Financing

Renames the Unemployment Compensation Fund as the Unemployment Compensation Trust Fund.

Renames the Special Fund for Disability Benefits as the Trust Fund for Disability Benefits.

Renames the Special Premium Supplemental Fund as the Premium Supplemental Trust Fund.

IOWA SB 110 ENACTED and EFFECTIVE February 28, 2013
 (CH 3)

Financing

Prohibits the Iowa Workforce Development Department from relieving the experience rating account of both contributory and reimbursable employers for benefits overpaid to individuals due to the employer's or an agent of the employer's failure to respond timely or adequately to the request for information relating to the payment of benefits. (Applicable to any overpayment determination issued on or after July 1, 2013.)

Requires the deposit of funds received for overpayment penalties into the State unemployment trust fund. (Applicable to any fraudulent overpayment issued on or after July 1, 2013.)

Overpayments

Requires the Department to assess on individuals a penalty equal to 15 percent of the amount of a fraudulent overpayment which shall be collected in the same manner as the overpayment. The penalty shall be added to the amount of any lien filed and shall be deducted from any future benefits payable to the individual. (Applicable to any fraudulent overpayment issued on or after July 1, 2013.)

MAINE HB 653 ENACTED and EFFECTIVE June 18, 2013
 (CH 279)

Administration

Provides that an employer doing business in Maine shall report the hiring of a newly hired employee. "Newly hired employee" means a person who resides or works in this State to whom the employer anticipates paying earnings and who was previously employed by the employer but who has been separated from that prior employment for at least 60 consecutive days, or has not previously been employed by the employer. (Deletes from the definition of "newly hired employee" the rehiring or return to work of an employee who was laid off, furloughed, separated, granted a leave without pay, or terminated from employment.) An employer shall submit a report within 7 days of the date that services for remuneration are first performed by a newly hired employee (previously within 7 days of the hiring, rehiring, or return to work of the employee.) The report must also contain the most recent date that services for remuneration were first performed by the employee.

MAINE SB 454 ENACTED and EFFECTIVE June 21, 2013
 (CH 314)

Financing

Provides that an amount equal to 15 percent of each overpayment on which the 50 percent, 75 percent, and 100 percent penalties were assessed due to misrepresentation or fraud must be transferred directly into the State's Unemployment Compensation Trust Fund account upon recovery.

Provides that an employer's experience rating record may not be relieved of charges relating to an erroneous payment from the fund if: (1) the erroneous payment was made because the employer or agent of the employer was at fault for failing to respond timely or adequately to a written or electronic request information relating to the claim for unemployment compensation; and (2) the employer or agent of the employer has established a pattern of failing to respond timely or adequately to written or electronic requests for information relating to claims for unemployment compensation. (Applicable to determinations of erroneous payments made after October 21, 2013.)

Overpayments

Provides that an individual shall be disqualified for benefits for any week he/she made a false statement or representation knowing it to be false or knowingly failed to disclose a material fact in the claimant's application to obtain benefits from any State or Federal unemployment compensation program administered by the Bureau of Unemployment Compensation.

NEVADA SB 35 ENACTED and EFFECTIVE May 21, 2013
(CH 36)

Administration

Repeals the provision creating the Unemployment Compensation Service and the State Employment Service as subdivisions within the Employment Security Division and deletes obsolete references to these subdivisions. (State Employment Services is now at NRS 612.330.)

Financing

Provides that in any proceedings brought under any provisions relating to civil actions to collect contributions, interest, and forfeits via attachment of property, entry of judgment, liens, and appeals to the Supreme Court, the Administrator of the Employment Security Division shall charge to the employer against whom the proceeding is brought an additional fee to defray the cost for recording, copying, or certifying documents. Any such fee must be charged to the employer in accordance with specific fees charged by county recorders and must be paid into the Unemployment Compensation Administration Fund.

TEXAS HB 26 ENACTED June 14, 2013
(CH 841) EFFECTIVE September 1, 2013

Financing

Provides that benefits shall not be charged to an employer if the employee left the workplace to protect the individual or a member of the individual's immediate family from sexual assault.

Nonmonetary Eligibility

For benefit claims filed on or after September 1, 2013, provides that an individual is not disqualified from benefits if the separation from employment was to protect the individual or a member of the individual's immediate family against sexual assault and defines immediate family as an individual's parent, spouse, or child under the age of 18.

Adds written documentation from a family violence center or rape crisis center that describes the sexual assault to the types of documentation that may be used to provide evidence for benefit determination.

TEXAS HB 916
(CH 888)

ENACTED June 14, 2013
EFFECTIVE September 1, 2013

Financing

Provides that benefits computed on benefit wage credits of an employee may not be charged to the account of an employer if the employee continues to work the employee's customary hours for the employer when the employee's benefit year began. This provision does not apply to a claim for unemployment benefits made under the shared work unemployment compensation program. (Applicable only to a claim for unemployment compensation benefits filed on or after September 1, 2013.)

TEXAS HB 983
(CH 654)

ENACTED June 14, 2013
EFFECTIVE September 1, 2013

Coverage

Excludes from the term "employment" service in the employ of a political subdivision or of an instrumentality of a political subdivision that is wholly owned by one or more political subdivisions as an election official or worker if the remuneration received by the individual during the calendar year is less than \$1,000.

TEXAS SB 21
(CH 1141)

ENACTED June 14, 2013
EFFECTIVE September 1, 2013

Nonmonetary Eligibility

Provides that an individual for whom suitable work is in an occupation that regularly conducts preemployment drug testing must comply with the requirements of the drug screening and testing program. Authorizes the Texas Workforce Commission to adopt rules to determine the type of work for which the drug testing would be a condition of eligibility.

Establishes a drug testing program that must:

- comply with the requirements of 49 C.F.R. Part 382 established by the U.S. Department of Transportation, or other similar national requirements for drug testing;
- be designed to protect the rights of benefit applicants and recipients;
- include an assessment completed by the individual applying for benefits;
- require passing a drug test as a condition of eligibility if the results of the drug screening assessment indicate a reasonable likelihood of use; and
- require that any individual who fails to pass a drug test is ineligible for benefits until passing a subsequent drug test no earlier than 4 weeks after failing the drug test.

Provides that an individual who fails a drug test is not ineligible for benefits if he/she:

- is participating in a drug abuse treatment program;
- enrolls in and is attending a treatment program within 7 days of the date the notice is sent; or
- the failure was caused by the use of a substance prescribed by a health care practitioner as medically necessary.

Requires the Commission to establish procedures for the initial notice to the individual who has failed a drug test that provides:

- prompt initial notice with instructions for how to file an appeal or communicate enrollment and attendance in a treatment program.
- that the individual has 14 days from the date the notice is mailed to appeal and retake the drug test;
- that the determination that a drug test was failed is final on the 15th day after mailing the notice if there is no appeal, the individual does not retake the drug test or the retest confirms the positive drug test result.

The drug testing requirements apply to claims for benefits filed on or after February 1, 2014.

The Commission may delay implementation of a provision if a waiver or authorization from a Federal agency is necessary.

TEXAS SB 658
 (CH 756)

ENACTED June 14, 2013
EFFECTIVE October 1, 2013

Financing

Requires the deposit of the 15 percent penalty collected on the amount of benefits received due to fraud into the State's Unemployment Compensation Fund.

Overpayments

Provides that the Texas Workforce Commission shall require a person who receives benefits due to fraud associated with willful nondisclosure or misrepresentation of a material fact to pay a penalty in an amount equal to 15 percent of the amount of benefits received fraudulently. The penalty may be collected in the same manner as provided for the collection of past-due contributions.

WASHINGTON **HB 1311**
 (CH 75)

ENACTED and EFFECTIVE April 25, 2013

Coverage

Allows an employing unit to elect coverage of maritime service, exempting such service from mandatory coverage.

Provides that except for services required to be covered under Federal law, the term “employment” includes an individual’s entire service as an officer or member of a crew of an American vessel wherever performed and whether in intrastate or interstate or foreign commerce, if the employer maintains within the State at the beginning of the pay period an operating office from which the operations of the vessel are ordinarily and regularly supervised, managed, directed, and controlled.

Exempts from coverage, services performed in the following employment:

Services performed by an individual on a boat engaged in catching fish or other forms of aquatic animal life under an arrangement with the owner or operator of the boat under which:

- (A) The individual does not receive any cash remuneration except as provided below;
- (B) The individual receives a share of the boat’s, or the boats’ in the case of a fishing operation involving more than one boat, catch of fish or other forms of aquatic animal life or a share of the proceeds from the sale of the catch; and
- (C) The amount of the individual’s share depends on the amount of the boat’s, or the boats’ in the case of a fishing operation involving more than one boat, catch of fish or other forms of aquatic animal life, but only if the operating crew of the boat, or each boat from which the individual receives a share in the case of a fishing operation involving more than one boat, is normally made up of fewer than 10 individuals.